IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 460 of 2001

with

CIVIL APPLICATION No 12289 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMESH KUNGUMAL NATHANI

Versus

ASHIT KRISHNAKANT SHAH

Appearance:

1. Appeal from Order No. 460 of 2001

MR NILESH A PANDYA for Appellant No.

RULE UNSERVED for Respondent No. 1,3

MR NK MAJMUDAR for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 15/02/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 12/07/2001 passed in order below application exh.5 by the learned

Civil Judge (S.D.), Vadodara in Special Civil Suit No.223 of 1992, whereby the said application was rejected.

2. While admitting this Appeal from Order, this Court by order dated 14/07/2003 passed in Civil Application No.12289 of 2001 had confirmed the ad-interim relief granted earlier. Now, as interim relief is operating, it would be appropriate to direct the parties to maintain status quo, till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit while continuing the interim relief granted by this Court.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit being Special Civil Suit No.223 of 1992 pending before the Court of the learned Civil Judge (S.D.), Vadodara and to dispose it of within a period of six months from the date of receipt of writ of this order.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

ORDER IN CIVIL APPLICATION

In view of the order passed in the appeal from order, this civil application will not survive. It stands disposed of accordingly.

[K. S. JHAVERI, J.]

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